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Security Council

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Letter dated 14 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/381).

The Counter-Terrorism Committee has received the attached supplementary report from Mongolia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-65031 (E) 011102

Annex

Note verbale dated 4 October 2002 from the Permanent Mission of Mongolia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Mongolia to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee of the United Nations Security Council and, with reference to the letter of the Committee dated 22 March 2002, has the honour to forward herewith the response of the Mongolian Government (see enclosure). Further information on assistance needed in implementing Security Council resolution 1373 (2001) will be forwarded to the Counter-Terrorism Committee in the near future.

Enclosure

Supplementary report of Mongolia to the Counter-Terrorism Committee submitted pursuant to resolution 1373 (2001)

Resolution 1373 (2001)	*CTC's comments/questions*	*Measures taken by the Government of Mongolia*
Subparagraph 1 (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;	Please outline the specific provisions aimed at criminalizing the wilful provision or collection of funds as specified in subparagraph 1 (b), and specify what penalties apply to such acts.	Mongolia stands firm against all manifestations of international terrorism and is committed to the strict implementation of the obligations under the UNSCR 1373. In addition to several actions taken by the executive power/Presidential decree No. 60, 3 October 2001, requesting the Government to exert its efforts towards the implementation of the United Nations Security Council resolutions 1267 (1999), 1333 (2000), 1368 (2001), 1373 (2001); Resolution No. 226 of the Government of Mongolia, 10 October 2001 etc./relevant provisions criminalizing the commission, or the threat of terrorist acts were included in the new Criminal Code adopted by the State Great Khural of Mongolia (Parliament) on 3 January 2002. The wilful provision or collection of funds for terrorist purposes was not specifically criminalized in the new Criminal Code of Mongolia. Nonetheless, this shortcoming will be eliminated with the ratification of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999, signed on 10 November 2001. Mongolia intends to ratify it in the near future. According to the 1992 Constitution of Mongolia, "the international treaties to which Mongolia is a Party become effective as domestic legislation upon the entry into force of the laws on their ratification or accession". (Article 10.3) Thus with the ratification of the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism this year, all the relevant provisions of international law relating to financing the terrorism will become a part of the national legislation of Mongolia. Presently, the crime of financing the terrorism is partially covered by the criminal provisions on "aiding and abetting". The following chapters of the Criminal Code pertain to terrorist activities: **Chapter 14. Offences against public order** Article 81 (relating to involving serious bodily harm to and killing of President, member of Parliament, ministers etc.) Article 83 (relating to coup d'état) Article 84 (relating to sabotage) Article 86 (relating to intended damages to national integrity) **Chapter 16. Offences against the person and personal reputation** Article 112 (relating to kidnapping) **Chapter 21. Offences against social security** Article 177 (relating to terrorist acts) Article 179 (relating to cause public disorders)

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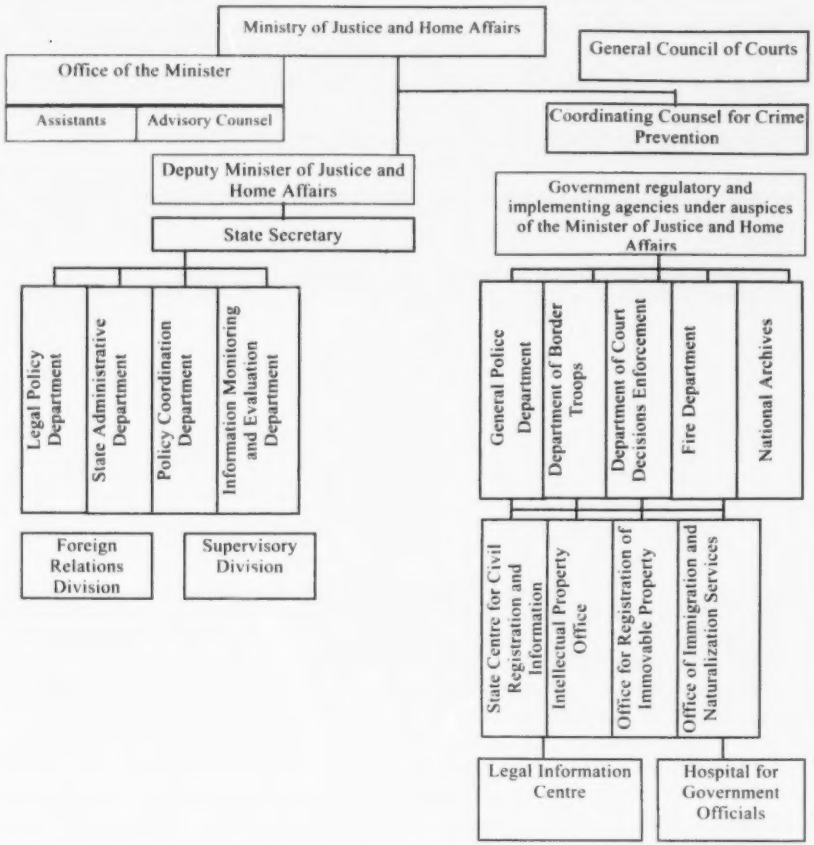
Resolution 1373 (2001)	CTC's comments/questions	Measures taken by the Government of Mongolia
		Article 182 (relating to organized crime) Article 188 (relating to illicit arms trafficking) **Chapter 30. Offences against humanity** Article 302 (relating to ethnic cleansing) Article 303 (relating to training terrorists)
Subparagraph 2 (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;	Please outline the legislative and other measures that have been taken in order to prohibit the recruitment of members of terrorist groups and to eliminate the revealed flaws and shortcomings with regard to supply of weapons to terrorists.	Mongolia has established a system of strict control over the import, export and internal possession of firearms and other weapons. So far, there were no signs on the supply of weapons to terrorists; however the Ministry of Defence of Mongolia acting within the framework of activities pursuant to Directive of the Minister for Defence No. 1a/505 is undertaking the following measures: The Ministry conducts a complete preliminary examination of the civilians and entities that purchase surplus equipment designed for military purposes. Extensive measures in cooperation with respective law enforcement organizations and agencies are being taken in order to investigate the cases of firearm loss in the Armed Forces.
Subparagraphs 2 (c), (d) Deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens; Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens.	Please outline the existing or proposed legislative measures for the implementation of these subparagraphs of the resolution.	Article 177 (1) of the Criminal Code stipulates that whoever employs or threatens to employ means that are dangerous to the public, thus putting pressure on authorized organizations or individuals, in order to compel directly or indirectly the issuance or abstention from issuance of certain decisions, is to be sentenced to no less than 10 years but not more than 15 years of imprisonment. Article 177 (2) of the Code stipulates that if such actions are perpetrated by a dangerous special criminal by organized group, or criminal group and lead to death of people and harm to the public, the perpetrators are to be sentenced to no less than 20 years but not more than 25 years of imprisonment, or the death penalty. Article 188 (4) of the Criminal Code which sets out the punishment for illicit import or export by organized or criminal groups of firearms, weaponry, narcotic drugs, poisonous, radioactive or explosive substances at no less than 20 but not more than 25 years of imprisonment, thus implies the criminal responsibility of individuals or groups of individuals who commit, participate in, plan, prepare, assist and perpetrate the crime of terrorism. The General Intelligence Department monitors the entry into or transit through the territory of Mongolia of all foreign citizens, aiming at preventing and restricting the entry and transit of terrorists and other individuals associated with them. The Bank of Mongolia is also undertaking a set of measures in order to prevent the possible leakage of terrorist assets and other financial and economic resources into the Mongolian banking system. The Bank of Mongolia has circulated the official request No. 1/1627 of 4 October 2001 of the Governor of the Bank of Mongolia, concerning the possible movement of terrorist assets through accounts in Mongolian banks and requesting them to inform without delay, if any suspicious assets are discovered. So far no situation reports in this regard have been received.

Resolution 1373 (2001)	*CTC's comments questions*	*Measures taken by the Government of Mongolia*
Subparagraphs 3 (a), (b) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks, forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups; Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;	Please explain whether there is in Mongolia an institutional mechanism for the purpose of ensuring compliance with these subparagraphs of the resolution and clarify what is meant in subparagraph 3 (a) of the report by "stepped up" cooperation.	Mongolia coordinates both on domestic and international levels to prevent and pre-empt terrorist activities, to improve information-sharing and investigate methods to deal with new and emerging threats, including the threat posed by weapons of mass destruction. As has been previously mentioned in the initial report, the Government of Mongolia adopted resolution No. 226 of 10 October 2001 on the Support of the Anti-terrorist Coalition specifically requesting the Minister for Justice and Home Affairs and the Head of General Intelligence Department of Mongolia to afford the greatest extent of co-operation to other States in implementing the relevant United Nations Security Council resolutions and cooperating with the relevant foreign law enforcement agencies. On 4 October 2001 the Ministry of Foreign Affairs of Mongolia issued a statement in which it welcomed the formation of the Anti-terrorist Coalition and pledging that Mongolia "will actively work and coordinate its activities with the countries of the International Coalition within the framework of the United Nations and other international organizations in implementing the resolutions and decisions taken by the fifty-sixth session of the United Nations General Assembly aimed at intensifying the fight against terrorism. The Ministry of Defence of Mongolia collects all the data on terrorist movements and potential terrorist attacks on the territory of Mongolia or in other countries aiming at supplying the respective States with timely preventive information.
Subparagraph 3 (c) Cooperate particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;	Has Mongolia concluded bilateral cooperation agreements to prevent and suppress terrorist attacks and take action against perpetrators of such acts? Please provide a list.	Mongolia has no bilateral treaties specifically dealing with the crime of terrorism, but it has in force bilateral treaties on mutual legal assistance on criminal, civil issues with a number of countries, namely, with Bulgaria, DPRK, Hungary, Kazakhstan, Romania, China, Czech Republic, Slovakia (succession in respect of the treaties of former Czechoslovakia), Serbia and Montenegro, Croatia, Bosnia and Herzegovina, Cuba, Poland, Russian Federation, Kyrgyzstan, Viet Nam, Turkey, India, Republic of Korea, FYRM (Former Yugoslav Republic of Macedonia), Slovenia, France (civil only). They provide for a wide range of assistance in the investigation, prosecution and suppression of criminal offences. By way of example, these treaties typically facilitate but are not limited to mutual assistance to investigators, prosecutors in obtaining documents, witness statements and testimony, detention and extradition of criminals and assistance in freezing and forfeiting criminally derived assets.

Resolution 1373 (2001)	*CTC's comments/questions*	*Measures taken by the Government of Mongolia*
Subparagraph 3 (e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;	Have the crimes set forth in the relevant international conventions been included as extraditable offences in the bilateral treaties to which Mongolia is party, as provided for in a number of the relevant international conventions and protocols relating to terrorism?	Mongolia has concluded bilateral treaties on extradition of criminals with four countries: • Treaty between Mongolia and Kazakhstan on Extradition of Criminals for the Purposes of Sentencing and Judicial Trial of 22 October 1993; • Treaty on Extradition of Criminals between Mongolia and People's Republic of China of 19 August 1997; • Treaty on Extradition of Criminals between Mongolia and Republic of Korea of 31 May 1997; • Treaty on Extradition of Criminals between Mongolia and Republic of India of 3 January 1997.
Subparagraph 3 (g) Ensure in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;	Please describe the existing or proposed legislative measures for the implementation of this subparagraph of the resolution.	The Government of Mongolia is considering at the moment the issue of accession to the Convention Relating to the Status of Refugees of 28 July 1951, and its Protocol of October 1967.
Paragraph 4 Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials and in this regard emphasizes the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global	Has Mongolia addressed any of the concerns expressed in paragraph 4 of the resolution?	After declaring its territory a nuclear-weapon-free zone in 1992 at the United Nations General Assembly, Mongolia adopted in 2000 the Law of Mongolia on its nuclear-weapon-free status. According to the Law individuals, legal entities and foreign States are prohibited "to develop, manufacture or otherwise acquire, possess or have control over nuclear weapons" (4.1.1), "station or transport nuclear weapons by any means" (4.1.2), transportation through the territory of Mongolia of components or parts thereof, as well as of nuclear waster or any other nuclear material designed or produced for weapons purposes is prohibited as well (4.2). Moreover, the competent authorities of Mongolia have the right to gather information, stop, detain and search any suspected aircraft, train, vehicle, individual or group of persons (6.2). In 2001 Mongolia signed the Protocol Additional to the Agreement between Mongolia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, which constitutes a significant step in Mongolia's commitment to non-proliferation regime and her determination to deal with the issue of transfer of sensitive materials. Mongolia is a State Party of both the Biological Weapons Convention of 1992 and Chemical Weapons Convention of 1999. The Government of Mongolia attaches special attention to the problem of drug trafficking and

Resolution 1373 (2001)	*CTC's comments/questions*	*Measures taken by the Government of Mongolia*
response to this serious challenge and threat to international security;		organized crime. The Government adopted "The National Programme against Narcotics" in the resolution No. 34 of 1 March 2000. The programme is to be implemented in two stages in 2000-2005. The National Council to organize activities to implement the programme against narcotics has been established. This programme also includes the co-operation with police organizations in foreign countries and Interpol to combat crimes related with narcotics. Mongolia is a State Party to the 1961 Single Convention on Narcotic Drugs, 1971 Convention on Psychotropic Substances and is considering accession to 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Division to combat the organized crime has been formed by the Police General Department and the Chemical Laboratory has been re-equipped to become the Criminalistic Centre. The Bank of Mongolia acting under resolution 226 of the Government of Mongolia has circulated a Recommendation on the Issues of Concern for Banks and Financial Institutions in Combating the Money-laundering Activities in the banking and financial sector of Mongolia, which provides for a wide set of measures aimed at preventing money-laundering. In addition to this, the Bank of Mongolia actively participates in the activities of the Asia Pacific Group on Money Laundering, wherein Mongolia enjoys observer's status.

Resolution 1373 (2001)	*CTC's comments/questions*	*Measures taken by the Government of Mongolia*
Other matters	Could Mongolia please provide an organizational chart of its administrative machinery such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution.	**Organizational chart of the Ministry of Justice and Home Affairs**  Other relevant agencies are: Ministry of Foreign Affairs (focal point), Ministry of Finance and Economy, Bank of Mongolia, General Intelligence Department, Office of Prosecutor General, Ministry of Infrastructure, etc.

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Letter dated 14 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 6 August 2002 (S/2002/899).

The Counter-Terrorism Committee has received the attached supplementary report from Hungary (see annex), submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 8 October 2002 from the Permanent Representative of Hungary to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On the instruction of my Government, and further to your letter dated 15 July 2002, I have the honour to transmit herewith a supplementary report (see enclosure) containing replies to the questions put by the Counter-Terrorism Committee concerning the report submitted by Hungary on 3 January 2002, pursuant to paragraph 6 of Security Council resolution 1373 (2001).

I take this opportunity to reiterate the high appreciation of the Hungarian Government for its close cooperation with the Committee and to reaffirm our commitment to provide the Committee with any additional information that it deems necessary or may request.

(*Signed*) László **Molnár**
Permanent Representative

Enclosure

Further report of Hungary to the Counter-Terrorism Committee on matters raised in the Chairman's letter of 15 July 2002

Subparagraph 1 (a)

The Hungarian customer identification rules are based on the **KYC** ("Know Your Customer") principle. The all embracing, or umbrella rule is the identification - and verification of the identity - of the customer "when entering into business relations or concluding a written contract". By definition this rule covers all customers irrespective of their new or old business relationship with the financial service provider. The following rules are tailor-made for different types of customers:

The previous rules specified 4 mandatory identification data. The new regulations have added to those 3 further data, ensuring 7 data for all identification. It is against the law to provide financial services for a non-properly identified customer. In practice this means that **new customers** have to identify themselves immediately with the application of the new rules providing the **seven identification data** required by the law, while those having already **established earlier a business relationship** with the financial service provider are required to provide the extra three data –in addition to the previous four - whenever asking for a financial service from their bank or other financial service provider. Customers have to **report** any **changes** in these data **within five days**.

There is a 2-year deadline for "**dormant**" customers, who have to identify themselves again, even if no transactions were initiated for two years.

There is a two million HUF (**8000 EUR**) identification limit embracing non-permanent clients who ask for occasional cash transaction, e.g. a money transfer. In case of exchange of currency this limit is substantially lower, 300 thousand HUF (**1200 EUR**). The identification above the 2 million HUF limit is compulsory for known customers as well.

Information about the **beneficial owner** of the money involved is an essential part of the KYC rules, therefore it is a continuous matter of concern for financial service providers to know the true identity not only of their customer, but also of the beneficial owner. This requires an appropriately **documented declaration on the beneficial ownership** of the amounts transferred, or handled otherwise, to be **repeated before every transaction**.

According to Act XXIV of 1994 on the Prevention and Impeding of Money Laundering:

a, The financial service provider has to act with **due diligence** in identifying the beneficial owner.

b, The **client** has to deposit a written declaration with the financial service provider on the person **on whose behalf** he acts either on a commission or without it.

c, In case of a **legal person,** the **beneficial owner** is a person exercising direct control over the entity.

If at any time during the business relationship **doubt** emerges as to the true identity of the beneficial owner, the client has to **declare again** the beneficial owner and in lack of this declaration the financial service provider has to deny the execution of further transfer or other orders.

The financial service provider has to insist on the presentation of the following documents for verification:

a, In case of **natural persons**:

- identity card, or
- passport, or
- certificate of domicile, or
- residence permit

b, In case of **legal persons and other organizations**:

- personal documents of the representative of the organization
- court of registry certificate of registration, or
- tax authority registration certificate, or facts of foundation.

The subject of verification in case of natural persons is the name (including previous name(s)), address, date and place of birth, nationality, mother's maiden name, type and number of ID, ID issuing authority's name and signs; in case of foreign citizens also their address in Hungary.

In case of legal persons and other organizations verification refers to the full and shorthand name of the organization, the address of its headquarters and branches, its main activity, number of its identification document, the name and ranking of the persons representing it, the identification data of its delivery agent.

The amendment of the Anti-money Laundering Act, which made the concealment of beneficial ownership as a crime, is in force since 19 December 2001. The seven months elapsed since was too short a period for such cases being detected, proven and judged on all instances.

Subparagraph 1 (b)

The person who commits the offense described in Section 261 (4) of the Hungarian Criminal Code (HCC) cannot invoke obligation of professional confidentiality.

According to the Section 261 (4) of the HCC: a person who credibly obtains information suggesting that the perpetration of an act of terrorism is being prepared, and fails to report that to the authorities as soon as ne/she can, commits a felony, and shall be punishable with imprisonment of up to three years.

The Section 261 (4) determines *general obligation to report* the perpetration of an act of terrorism if the information of perpetration is credible. The owner of the information can fulfill his/her obligation to report only by informing the authorities and he/she shall report it as quickly as possible. If it is definitely within the competence of the owner of the information to detect the perpetration of an act of terrorism he/she must report it as appropriate.

Furthermore, according to Act No. I of 1973 on the Criminal Procedural Code anyone can denunciate the commission of a criminal offense. The denunciation is compulsory in case the misprision is a criminal offense.

All authorities and official persons must denunciate those criminal offenses, which have come into their knowledge during the performance of their official function.

According to the International Convention for the Suppression of the Financing of Terrorism, each State Party shall adopt such measures as may be necessary to establish as criminal offenses under its domestic law the offenses set forth in Article 2 and to make those offenses punishable by appropriate penalties which take into account the grave nature of the offenses.

The latest amendment of the provision of the acts of terrorism (Section 261) entered into force on 19 December 2001. According to amended Section 261 any person who provides material means to commit any act of terrorism is guilty of a crime and is punishable with imprisonment from five to fifteen years.

With the above-mentioned amendment, the Republic of Hungary in practical terms fulfilled the expectations of Article 2 of the Convention formally, however, the HCC and the Convention will be in complete harmony only after the Hungarian Parliament will have promulgated the Convention. The Parliament has taken a decision to ratify the Convention **on 10 September, 2002.** (In this particular context, see also subparagraph 3 (d).)

The next amendment of the HCC relating to terrorism is expected later this year. With this amendment the Hungarian legal provisions concerning the acts of terrorism will fully correspond to the Convention.

Subparagraph 1 (c)

Freezing of funds in Hungary is a system consisting of several layers.

- **Financial service providers** may freeze transactions in case of suspicion for 24 hours on their own initiative, in order to provide time for the police to decide whether or not to begin an investigation.
- **The police and the prosecutor's office** may freeze assets for the whole period of the investigation and the judicial procedure.
- **The Government** may order the freezing of different types of assets of different suspects for 90 days, if a **UN Security Council**, or an **EU Council** decision has been adopted on the subject.

The **Hungarian Financial Supervisory Authority (HFSA)**, a government agency has ordered a permanent **watching** for the financial service providers under its supervision regarding the persons and organizations on the **UN and EU terrorist lists**. **Immediate reporting** of any suspicion to the HFSA is compulsory. Reports and data obtained this way are transmitted to the **FIU**, responsible under the AML/CFT law for these reports as well. Constantly updated terrorist lists are available on the homepage of the HFSA.

A **new law** is under preparation with the purpose of providing a constitutionally more solid legal basis to the freezing order, with the additional flexibility of charging a Cabinet Minister with the job of **updating** the list.

Subparagraph 1 (d)

The Hungarian Penal Code was amended as of 19 December 2001 in order to introduce in the definition of the terrorist act the notion of terrorist financing as an act of commitment of a terrorist act. Making available funds and other assets for terrorist purposes may be punished with a prison term of up to15 years, according to Section 261.

According to the Penal Code, Section 4, if a criminal act, - like terrorism, including preparation for a terrorist act – is being committed abroad, is punishable in Hungary if

- the act is a crime both in Hungary and in the country where it is committed
- an international agreement has stipulated it as a crime.

Terrorism, including making available funds for terrorist acts, is a crime according to Hungarian law and also according to several international agreements, Hungary is a party to, therefore financing of terrorism abroad from Hungary is also a crime and not just prohibited, but severely punishable.

The same anti-money laundering rules apply to associations as to any other clients. Hungarian AML rules are based on the all-crimes approach, therefore the suspicion of any crime – including terrorist financing – serves a basis for reporting to the police and immediate freezing of the funds by the financial service provider and/or by the police.

Non-profit organizations in Hungary are responsible for their respective activities to the Tax Authority and to the Prosecutor's Office. Non-profit organizations are registered with the Courts of Registry and the Prosecutor's Office. The latter keeps on each non-profit organization a list of actions undertaken by it due to any irregularity in the activity of the organization. The quarterly balance-sheet and the annual report on the management of assets of the organizations are open for the investigation of the Tax Authority.

Subparagraph 2 (a)

FIREARMS (AND AMMUNITIONS THEREOF) TRADE AND POSSESSION

Domestic Trade

1. Conditions for acquisition of civilian firearms by natural persons:

In Hungary the conditions for acquisition of civilian (sport, hunting, service, self-defense, alarm) firearms by natural persons is regulated by the Government Decree No. 115/1991.(IX.10.) and by the related executive Ministerial Decree No.14/1991.(X.31.)BM.

According to these regulations the ultimate police permit is the basis for acquisition and possession of any type of firearms (and ammunitions).

The domestic trade of civilian firearms and ammunitions is regulated by those two government decrees as well.

2. Condition for acquisition of military weapons by natural persons:

Natural persons are not allowed to possess military designed (eg. automatic) weapons and ammunitions (e.g. steel-core, tracer,)- that is the exclusive privilege of governmental armed forces.

Surplus stocks of military weapons and ammunitions are banned for domestic trade, those are to be destructed or exported.

Foreign Trade

The foreign trade of civilian firearms and ammunitions in Hungary is regulated by the Government Decree No.48/1991.(III.27.), i.e. the Hungarian legal system in foreign trade of civilian as well as military equipment is the same (e.g. export proceedings are the same for both hunting guns or sub-machine guns).

According to the Government Decree No.48/1991.(III.27.) the exportation, importation and re-exportation of military equipment (incl. firearms), and any related services (e.g. development, production, training, education, maintenance, transfer and forwarding), including the brokering activities as well, have to be proceeded via the 3-tier licensing system, i.e. any natural or legal person aiming at accomplishing a foreign trade transaction has to apply for the following individual licenses in a strict procedural sequence:

1. **Trading License (registration of traders),** license validity 1-2 years, with possible extensions
2. Those registered traders planning to engage in business talks with foreign partners have to obtain a **Permit for Negotiation** in advance. In the application therefore all important details of identification of the proposed foreign partner, and specification of military equipment to be imported/exported have to be presented. The 6 months validity allows proceeding with negotiations, but does not allow concluding a contract.
3. To finalize and sign a deal, the applicant has to obtain a **License for entering into Contract (authorization of export/import).** In the application therefore exact specification: type, quantity, unit price and total value of the contract, along with the full coordinates of the contracting partner and end-user have to be presented along with the requested attachments (import license, IIC, End-User-Certificate). Validity of this authorization is one year, with possible extension. The license owner has to report monthly in writing about actual transaction results.

According to the Government Decree No.48/1991.(III.27.) the applications for all listed licenses are subject of a two-fold inter-ministerial control:

- in the *preparatory phase* the applications are examined and classified by the so-called Expert Working Group , which are then presented
- for *final decision* to the Military Operational Committee

both consist of the representatives of the relevant ministries and the Civil National Security Services.

Only unanimous decision is further proceeded.

During the licensing procedure the following general principles are observed:

- the transaction shall not violate any provision of the Constitution and any obligation of the Republic of Hungary committed to international treaties and shall not be contrary to the country's foreign policy, national defense and national security interests,
- embargoes and limitations of international regimes and the provisions of the EU Code of Conduct,
- export of firearms, ammunitions, and components therefore are dealt with equal scrutiny and conditions,
- only well known and/or well identifiable partners are allowed for negotiations,
- only professional registered dealers are considered as partners, i.e. political movements, organizations or private natural persons are excluded,
- newly established companies have to present their credentials and certifications by local authorities validated for military trading activities,
- official import/export licenses, end-user certifications are to be attached,
- if necessary the Hungarian foreign missions are involved in reconfirmation of the authenticity of locally issued documents.

In Hungary all international sanction resolutions (UN, OSCE, and EU) are strictly respected and enforced. Full publicity is there for wanted terrorists and organizations listed under international warrants.

Hungary is a member in all international non-proliferation regimes and agreements aimed at preventing the proliferation of military and weapons of mass-destruction and equipment of deliverance thereof.

SMALL ARMS AND LIGHT WEAPONS (SALW)

All categories of SALW are controlled under the military foreign trade law in Hungary.

The relevant Hungarian regulation is therefore stricter than the EU regulations or the Wassenaar Agreement/Munitions List, since e.g. all hunting and sport guns are controlled equally under the Hungarian military foreign trade law.

TRADE AND POSSESSION OF EXPLOSIVES

Domestic trade and possession

1. Conditions for acquisition of civilian explosives by natural persons:

Conditions to acquire civilian (mineshaft, industrial, agricultural) explosives and equipment thereof by natural persons in Hungary are regulated in the Ministerial Decree No.3/1973.(VII.18.)BM. Accordingly, explosives and initiating materials can be acquired only by registered companies; natural persons are only exceptionally allowed upon special licensing proceedings for the same.

According to the law acquisition and possession of explosives and initiating materials have to be licensed by the Mining Bureau of Hungary and by the National Police HQ.

2. Conditions for acquisition of military explosives by natural persons

Natural persons are not allowed to possess military explosives in Hungary,- that is the exclusive privilege of governmental armed forces.

Surplus stocks of military explosives are banned for domestic trade, those are to be destructed or exported.

Foreign Trade

The necessary trading licenses for the foreign trade of civilian explosives is according to the Government Decree No.112/1991.(XII.23.) have to be obtained.

For any transport movements of explosives within the country Police Route Permit is necessary to obtain, prescribing possible routing, delivery conditions and assign a natural person declared with full responsibility under the Penal Code for the safe passage of the consignment.

Foreign trade activities of military explosives and initiating materials are regulated in the Government Decree No.48/1991.(III.27.).

Natural persons violating the above laws and regulations –as described in the Penal Code 261/A§., 263§., 263/A§., 263/B§., 264/C§. and 287§.criminal acts, are punishable up to 15 years of prison.

EXPORT CONTROL IN HUNGARY

The Republic of Hungary initiated ever since the early 90's a very strict and very effective export control system. Operating that system, beside the mandated Bureau of Licensing and Registration, Ministry of Economy and Transport, an important role is assigned to the Law Enforcement Officers at the Customs and Police Departments, as well as to the Civil National Security Services. All those organizations are obliged by law to cooperate within the export control system.

Since Hungary is a member in all international non-proliferation regimes.

- Hungary is a founding member in the Wassenaar Agreement (WA), based upon Government Decree No.3077/1994(III.17.),
- Joining the Australia Group was confirmed by Government Decree No.3417/1990.(IX.27.),
- Missile Technology Control Regime (MTCR) membership was confirmed in 1993,
- The instrument of ratification of Hungary of the Chemical Weapons Convention (CWC) was deposited on the 31st October 1996, and the agreement was promulgated by Act No. CIV. of 1997 upon the approval of the Hungarian Parliament,
- Hungary is a full member of the Nuclear Suppliers Group (NSG) since its foundation, Government Decree No.121/1997.(VII.17.)
- Hungary is a State Party as well to the Convention on Prohibition of Bacteriological (Biological) and Toxin Weapons (BWC),
- Hungary acceded to the international agreement banning antipersonnel mines, and accepted the Program of Action of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

Legal regulation of export control

To enhance export control effectiveness the military products are classified every year under the licensed products. From among the so called "dual-use" products all civilian firearms, industrial explosives, pyrotechnical products, dangerous chemical materials, airplanes precursors, drugs, etc. are listed, which are frequented by terrorists as well.

The full list of licensed products is contained in the Government Decree No.112/1990.(XII.23.).

The export control rules and regulations of conventional weapons and "dual-use" products are contained in the Government Decree No.61/1990(X.1.). This decree describes basic principles, necessary documents to be used and full list of items under control. Since the Hungarian export control system incorporates tight international cooperation, the controlled product-list is flexibly reflecting the expectations of international regimes. The necessary changes are published in Ministerial Decrees (e.g. the latest in the Ministerial Decree No.28/2001.(X.12.) GM).

Within the Hungarian legal framework (see e.g. Government Decree 61/1991.(X.1.)) the transit movements of controlled goods passing via Hungary's territory are equally controlled.

The authorities participating in the export control system provide a 24-hour (round the clock) duty, therefore there is standing assurance for operative intervention in case of any suspicious occurrence in relationship with the in-and out-going sensitive goods.

Subparagraph 2 (b)

The police detection and investigation of terrorists and terrorist activities is the responsibility of the Anti-terrorist Unit of the Hungarian National Police HQ. International warning and co-operation is done via the International Police Co-operation Center of the Hungarian National Police HQ.

The inter-agency co-ordination and co-operation against organized crime and terrorism is the responsibility of the Anti-Organized Crime Co-ordination Center consisting of the representatives of the Hungarian law enforcement agencies and the national security services having responsibility in anti-terrorist activities in Hungary.

Subparagraphs 2 (c) and (d)

Such activities have not yet occurred from Hungary.

Subparagraph 2 (e)

So far there was no sentence delivered in Hungary for committing acts of terrorism as defined by the international law, since for the time being the Hungarian provisions covering the acts of terrorism still do not meet the definition determined by international law.

Although some terrorism type actions in HCC are not specifically defined as acts of terrorism, these constitute serious offenses.

In accordance with the amended Section 261:

(1) Any person who detains another person against his will or seizes considerable assets or property, and makes demands to government agencies or non-governmental organizations in exchange for the release of the person or refraining from doing harm or injury, or the return of said assets and property, as well as any person who provides material means to commit any act of terrorism is guilty of a crime and is punishable with imprisonment from five to fifteen years.

(2) The punishment shall be imprisonment from ten years to fifteen years or life sentence, if the act of terrorism is committed

a) causing death or an especially grave disadvantage,

b) in war-time.

(3) The person, who perpetrates preparation for an act of terrorism, shall be punishable for a felony with imprisonment from one year to five years.

(4) The person who credibly obtains intelligence suggesting that the perpetration of an act of terrorism is being prepared, and fails to report that to the authorities as soon as s/he can, commits a felony, and shall be punishable with imprisonment of up to three years.

(5) The punishment of the person, who abandons an act of terrorism before any grave consequence has arisen therefrom, may be mitigated without limitation.

This criminal offense is a special form of constraint and blackmailing when the perpetrator makes an effort to preclude the possibility of defeat, by obtaining some kind of guarantee in advance. If the recipient of the demand is not a governmental agency or social organization the criminal offense is considered either constraint or blackmailing.

In 1991 the Supreme Court has decided on the issue whereby the acts of terrorism is realized even if the genuine plan of the perpetrator was the commission of another offense and because of the frustration of the genuine plan he/she decided to take a hostage in order to have their demand fulfilled.

According to the present wording of Section 261 political motivation to the realization of the acts of terrorism is not necessary.

If the act was committed outside the territory of the Republic of Hungary by a person who is a Hungarian citizen, he/she will be prosecuted in Hungary according to the HCC even if the offense is not considered as criminal offense abroad.

With regard to the seriousness of this criminal offense the *county court* is the court of first instance in the criminal proceeding.

If the criminal offense was committed outside the territory of the Republic of Hungary, the competence of the county court is based on the domicile or residence of the suspect, in the lack of domicile or residence the county court has competence on the territory of which the suspect is kept in custody.

If the act was committed outside the territory of the Republic of Hungary by a foreign national who is currently in Hungary, the first instance court is the county court on the territory of which the suspect lives, resides or where the suspect is kept in custody.

Subparagraph 2 (f)

Act XXXVIII of 1996 on international legal assistance in criminal matters does not determine any time limit for executing a request for mutual legal assistance.

The Republic of Hungary attaches special attention to the fight against terrorism, which means that the necessary measures for these proceedings are taken immediately after having received the MLA-request.

In urgent cases the competent Hungarian authority, the Office of the Prosecutor General accepts the request by fax or by other direct form as well in order to avoid the delay that might be caused by using the official channels. In this case, the requests must be sent through official channel at the same time.

If so requested, the representative of the acting foreign authority can be present at the performance of the request in order to make it faster and more efficient.

Subparagraph 2 (g)

The term "high-risk country" is not defined and used in the Hungarian system. Hungary has accepted and applies the EU and UN list of terrorist groups, organizations and persons for this purpose.

The way Hungary issues identity-papers and travel documents is meeting the highest quality and security standards. The passport, identity card and driving license - as acceptable ID documents – have recently been changed in Hungary. The latest high-tech protective measures have been used for these documents. At border checkpoints automated procedure and devices have been recently installed for the detection of forged documents.

Subparagraphs 3 (a), (b) and (c)

The Act XXXVIII of 1996 on international legal assistance in criminal matters entered into force on 15 July 1996.

This Act shall be applied unless otherwise stipulated by an international treaty. The Minister of Justice may request statements of reciprocity from foreign states and may make such statements of reciprocity at the request of foreign states. If there is no reciprocity, the Minister of Justice or the Prosecutor General shall reach a decision on the performance of requests for legal assistance by foreign states in agreement with the Minister of Foreign Affairs.

The Act regulates in detail the following forms of legal assistance: extradition, surrender or acceptance of criminal proceedings, surrender or acceptance of sentences of imprisonment or enforcement of such measures, procedural assistance and denunciation at the authorities of Foreign States.

Hungary has *bilateral treaties on extradition* with the following countries:

- Algeria,
- Austria,
- Australia,
- Bosnia and Herzegovina,
- Egypt,
- Iraq,
- People's Democratic Republic of Korea
- Canada,
- Cuba,
- Mongolia,
- Monaco,
- Paraguay,
- South Africa,
- Syria,
- Tunisia,
- United States,
- Vietnam,
- Yugoslavia.

Hungary has *bilateral treaties on mutual legal assistance in criminal matters* with the following countries:

- Algeria,
- Austria,
- Australia,
- Bosnia and Herzegovina,
- Egypt,
- Iraq,
- People's Democratic Republic of Korea
- Canada,
- Cuba,
- Mongolia,

- Syria,
- Tunisia,
- United States,
- Vietnam,
- Yugoslavia.

Hungary has ***bilateral treaties on suppressing terrorism and organized crime*** with the following countries:

- Albania,
- Austria,
- Belgium,
- Bosnia-Herzegovina,
- Bulgaria,
- Croatia,
- Cyprus,
- Czech Republic,
- Egypt,
- Estonia,
- France,
- Germany,
- Greece,
- Ireland,
- Israel,
- Italy,
- Jordan,
- Kazakhstan,
- Kuwait,
- Latvia,
- Lithuania,
- Malta,
- Moldova,
- Morocco,
- Poland,
- Romania,
- Russia,
- Slovakia,
- Slovenia,
- South Africa,
- Spain,
- Sweden,
- Switzerland,
- The Netherlands,
- Tunisia,
- Turkey,
- UK,
- Ukraine,
- United States,
- Vietnam,
- Yugoslavia

Subparagraph 3 (d)

On 10 September 2002 the Hungarian Parliament has *promulgated the International Convention for the Suppression of Terrorist Bombings and ratified the International Convention for the Suppression of the Financing of Terrorism. Hence, Hungary is now a party to all international instruments relating to terrorism.*

Subparagraph 3 (e)

The obligation to consider a criminal offense mentioned in the related conventions and protocols on terrorism as an extraditable offense is not explicitly stated in the above mentioned bilateral treaties.

However, *according to the Hungarian domestic law,* all of these criminal offenses are extraditable offenses.

Subparagraph 3 (f)

Obligatory "front security checks" are conducted by the National Security Services (NSS) for applicants for refugee status. No refugee status is granted without this kind of security clearance. NSS participates in the proceedings as an expert authority. The refugee authority conducting the first interviewing of the applicant is therefore obliged to approach the NSS without delay, but in any case in five days at the latest.

If the NSS hears the asylum-seeker the opinion of this special authority shall be formed within 45 days of approach, with the exception of an accelerated procedure (5 days), except if the NSS has asked for a further 15 days extension for formulating its decision.

The Hungarian legislation (Act on Asylum: - Act CXXXIX of 1997 on Asylum -) contains in its entirety the language of Article 1F of the 1951 Geneva Convention declaring, "that recognition as a refugee shall be refused to a foreigner if any of the reasons for exclusion defined in Article 1, Art. D., E., or F of the Geneva Convention prevail in respect of the foreigner".

The Asylum Act also declares that "a person in respect of whom there are substantial grounds to believe that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments governing such crimes may not be recognized as temporarily protected person" (this may be based on the statement of the National Security Services).

Subparagraph 3 (g)

The reservation made by Hungary under Article 13.1 of the European Convention on the Suppression of Terrorism is still in force.

One cannot speak about practice in connection with this reservation, since Hungary has not received any request for extradition yet in respect of any offense listed in Article 1 of the Convention, which is considered to be political.

Paragraph 4

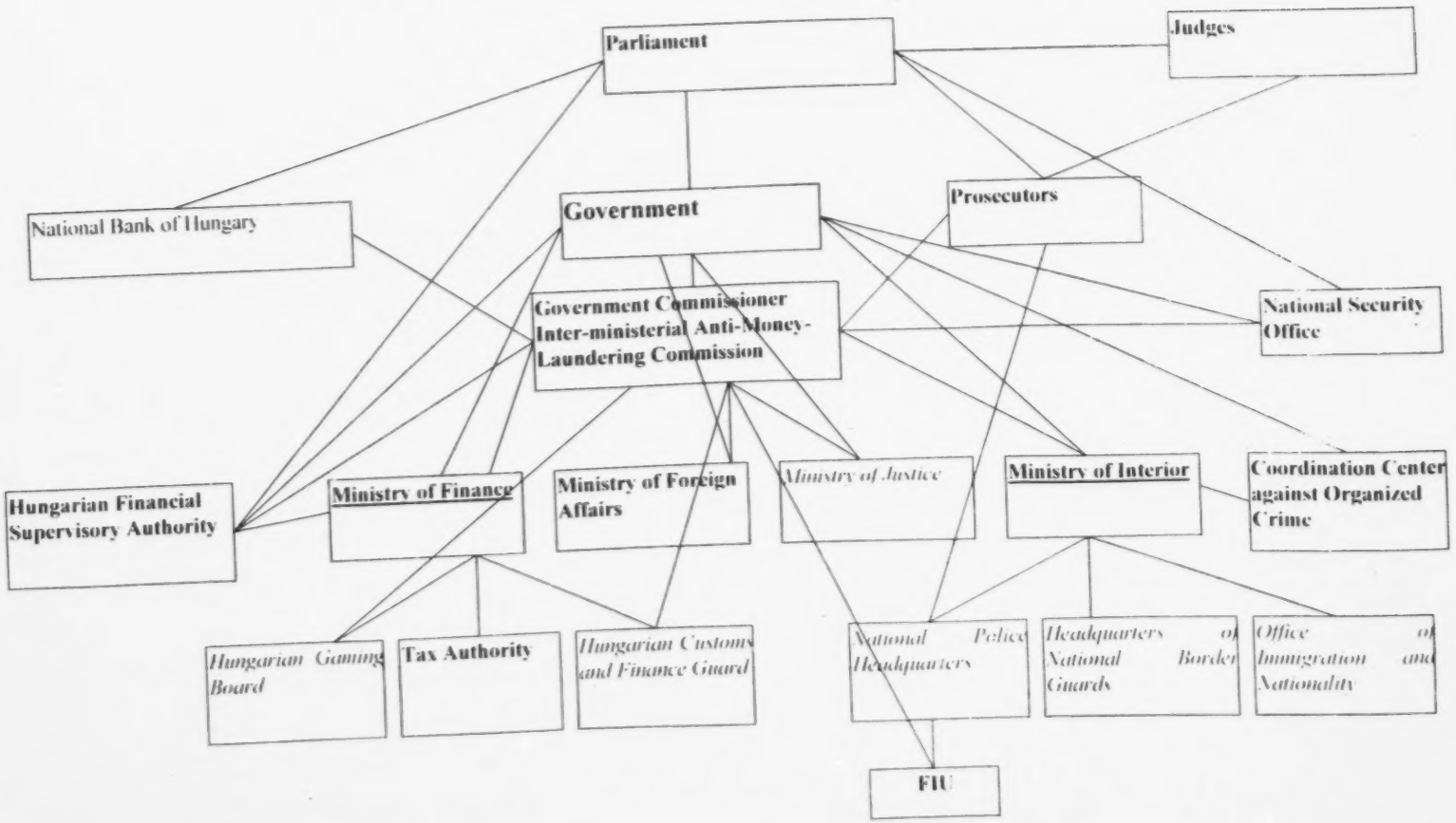
In addition to the data provided under subparagraphs 3 (a), (b) and (c) the following information is offered:

The Government of Hungary is fully aware of and shares the concern formulated in paragraph 4. The organizational chart below clearly demonstrates that the ministries and government agencies involved in anti-terrorism activities cover the whole spectrum of illegal and illicit acts listed in this paragraph of the Resolution.

As a State Party to the NPT and founding member of the IAEA Hungary is strongly committed to the goals of non-proliferation. Chemical and biological weapons control, including the illegal movement of such weapons and materials has long been a priority issue on the Hungarian disarmament agenda.

Hungary has established extensive ties with the countries of the region to co-operate in the fight against international terrorism. Hungary is also a full-fledged participant in the European Union's anti-terrorism efforts and complies fully with OECD's anti-money-laundering recommendations.

ORGANIZATIONAL CHART — HUNGARY



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Report of the Secretary-General on women, peace and security

I. Introduction

1. The Security Council, by paragraph 16 of its resolution 1325 (2000) of 31 October 2000, invited me to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution and to submit a report to the Council on the results of that study. The present report is submitted pursuant to that request.

2. The study on women, peace and security builds on existing research and inputs of the United Nations, its programmes, funds and specialized agencies, Member States, scholars and local and international non-governmental organizations. The preparation of the study was overseen by my Special Adviser on Gender Issues and Advancement of Women in close cooperation with the Inter-Agency Task Force on Women, Peace and Security.

3. Security Council resolution 1325 (2000) marks a landmark in the recognition of women's contribution to the maintenance and promotion of peace and security and their specific needs and concerns in armed conflict and its aftermath, as well as the responsibilities of the international community to provide effective responses, building on the Council's interest in the situation of children in armed conflict, the protection of civilians and the prevention of armed conflict.[1] In requesting the study and the report, the Council has created an opportunity to further highlight the roles and experiences of women and girls in armed conflict and its immediate aftermath.

4. The present report highlights the major findings and conclusions of the study on women, peace and security. It focuses on the challenges that must be addressed if progress is to be made in the achievement of the goal of gender equality in relation to peace and security. It includes recommendations for action (points 1-21), which the Security Council may wish to consider in order to strengthen and accelerate implementation of the objectives and recommendations already contained in resolution 1325 (2000).

II. Impact of armed conflict on women and girls

5. Women do not enjoy equal status with men in any society. Where cultures of violence and discrimination against women and girls exist prior to conflict, they will be exacerbated during conflict. If women do not participate in the decision-making structures of a society, they are unlikely to become involved in decisions about the conflict or the peace process that follows.

6. Women and children are disproportionately targeted in contemporary armed conflicts and constitute the majority of all victims. Women and children also constitute the majority of the world's refugees and internally displaced persons.

7. Civilian women and girls, like men and boys, die during armed conflict, are forcibly displaced, are injured by landmines and other weapons and lose their livelihoods, although there are important differences in the experience of women and girls. During conflict, women and girls are vulnerable to all forms of violence, in particular sexual violence and exploitation, including torture, rape, mass rape, forced pregnancy, sexual slavery, enforced prostitution and trafficking.

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These acts of violence have a political and symbolic significance and are often endorsed at the highest levels of leadership. Torture is also used against women and girls to violate their sense of self and as an attack on their communities and the men to whom they are related. A proliferation of small arms increases the risk of interpersonal violence, including domestic violence, which often continues after the conflict.

8. In addition to the gender-based and sexual violence women and girls experience during armed conflict, the impact of armed conflict on their physical and mental health is incalculable, especially the consequences of violence. They face numerous health threats grounded in biological differences. The use of sexual violence as a strategic and tactical weapon of war places women and girls at increased threat of contracting sexually transmitted infections and HIV/AIDS. This is heightened by systematic gender-based discrimination, which reduces their potential to protect themselves from such infections. The high rate of infection and death increases women's workload in maintaining their households and communities and providing care to orphaned children.

9. With the loss of men and boys from households and communities through participation in armed forces, detention or disappearance, women and girls are forced to take on more responsibility for family security and well-being, often without the necessary resources or social support. Lack of land and property rights and lack of access to, or control over, resources threaten women's livelihoods. Women's daily tasks as providers and caregivers become increasingly dangerous and difficult, especially as the availability of and access to public services and household goods shrink. The role of women in relation to ensuring food security, the provision of water and energy for household use and their responsibility for health care — in both urban and rural contexts — may also put them at risk of being injured by landmines, in cross-fire and by sexual abuse. As women become the main or only source of income for their families, they often pursue new or non-traditional occupations. Forced out of the formal sector, and facing increased competition in the informal sector, they may also be pushed into illegal activities, such as trafficking in drugs. Often controlled by organized criminal groups, these activities carry a high risk of violence.

10. Armed conflict also changes social structures and relationships. The number of child-headed households increases during conflict. Within those circumstances, girls heading households face particular marginalization owing to their low status as female adolescents and their lack of protection. Girls may also be forced into early marriages as a coping strategy in economically desperate households.

11. The differential impact of armed conflict and the specific vulnerabilities of women and girls can be seen in all phases of displacement, including initial displacement, flight, protection and assistance in refugee and displaced persons camps and resettlement and reintegration. Women encounter discrimination and human rights abuses, sexual violence and exploitation, including domestic violence, and are disadvantaged by laws, policies and programming that do not take their concerns into consideration. For example, procedures for the determination of asylum status may not take gender-based persecution into consideration. Weakened or lost social support structures lead to reduced security for women and girls, who are at risk of harassment or abuse, and to problems in accessing the assistance necessary for survival.

12. Women are also victims of detention or "disappearance". The "disappearance" of male relatives affects women, in particular in societies where their status is directly linked to their relationships with men. Women are traumatized and cannot find closure as long as they still hope for the return of their relatives. They also face additional responsibilities for the well-being of their families.

13. Women and girls are not only victims in armed conflict: they are also active agents. Driven by commitment to the political, religious or economic goals of the conflict, some women become armed combatants or collude in acts of violence. Women and girls may also be forced to follow camps of armed forces, providing domestic services and/or being used as sexual slaves. Women play an active role in informal peace processes, serving as peace activists, including by organizing and lobbying for disarmament and striving to bring about reconciliation and security before, during and after conflicts.

14. The differential impact of conflict on women and girls calls for specific responses from the international community. While the knowledge about these gender-based differences and inequalities is increasing rapidly, it is still far from comprehensive. Of much greater concern, however, is the failure to incorporate existing

knowledge on the subject into policies, planning and implementation processes in all peace operations, humanitarian activities and reconstruction efforts.

15. I submit the following for the attention of the Security Council:

Action 1

Recognize the extent of the violations of the human rights of women and girls during armed conflict and ensure that awareness of these violations is a factor in planning and implementation of all peace support operations.

Action 2

Identify and utilize local sources of information on the impact of armed conflict, the impact of interventions of peace operations on women and girls and the roles and contributions of women and girls in conflict situations, including through the establishment of regular contacts with women's groups and networks.

III. International legal framework

16. International law provides a framework of protection for individuals affected by armed conflict. International humanitarian law, in particular the four Geneva Conventions of 1949 for the protection of victims of war and their two Additional Protocols of 1977, is the area of law of primary relevance to the protection of women and girls during armed conflict. International human rights law is also applicable in times of armed conflict. International refugee law offers protection to women and girls prior to, during and in the aftermath of armed conflict. International criminal law has come to assume increasing significance in relation to crimes against women and girls during armed conflict, in particular crimes of sexual violence.

17. The protections of international humanitarian law and human rights law apply on the basis of non-discrimination. In addition, some of the provisions of international humanitarian law are of particular relevance to women, such as those seeking to reduce women's vulnerability to sexual violence. Other provisions are only applicable to women, for example, those requiring treatment of women with all consideration due to their sex. Additional protection is provided to pregnant women and mothers of young children.

18. The protections available under international human rights law apply to women and girls on the basis of non-discrimination. Key human rights instruments include the Convention on the Elimination of All Forms of Discrimination against Women, which specifically addresses traffic in, and the exploitation of prostitution of, women, a frequent occurrence in situations of conflict and their aftermath. Trafficking is comprehensively covered by the United Nations Convention against Transnational Organized Crime and its supplementary protocols, which have not yet entered into force. Girls benefit from the specific protections for children set out in instruments such as the Convention on the Rights of the Child and its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

19. During the last decade, the international legal framework has expanded to address some of the particular crimes experienced by women in armed conflict. The statutes of the two International Tribunals created by the Security Council to address crimes committed in the former Yugoslavia and in Rwanda, the Rome Statute of the International Criminal Court and the statute of the Special Court for Sierra Leone all include gender-based violence, such as rape, enforced prostitution and trafficking during armed conflict, as well as torture or other cruel, inhuman and degrading treatment, and enslavement, within the definition of war crimes, crimes against humanity and as components of the crime of genocide. Other extra-legal mechanisms, such as truth and reconciliation processes, also provide avenues of redress.

20. The International Tribunals for the former Yugoslavia and for Rwanda have issued several indictments relating to sexual violence. Sexual violence has been charged as a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War before the International Tribunal for the Former Yugoslavia.[2] The International Criminal Tribunal for Rwanda has convicted a defendant of crimes against humanity and genocide, inter alia, through acts of sexual violence.[3]

21. The constituent documents of the two International Tribunals, the International Criminal

Court and the Special Court for Sierra Leone include provisions to ensure the delivery of gender-sensitive justice, including victim and witness protection measures. The Rome Statute has provisions for achieving fair representation of male and female judges and for ensuring the availability of legal expertise on specific issues such as violence against women and children.

22. Protection for refugee and displaced women offered by the international legal framework is supplemented by policy directives and guidelines, which, for the most part, have been formulated by the Office of the United Nations High Commissioner for Refugees (UNHCR) over the past 15 years. The gender-sensitive interpretation of the definition of refugee contained in the Convention relating to the Status of Refugees of 1951 allows for women and girls to seek refugee status on the basis of gender-based persecution, including sexual violence. The 1998 Guiding Principles on Internal Displacement also pay particular attention to the rights and needs of women and children.

23. This comprehensive international legal framework has been increasingly responsive to the experiences of women and girls, particularly where sexual violence is concerned. It is critical that these achievements are built upon by any future ad hoc tribunals that the Security Council might create. The determination of individual command responsibility for many of the offences involving sexual violence against women and girls in armed conflict has been a major advance and has undermined the culture of impunity that previously pervaded discussion in this context.

24. These advances must be maintained and further expanded. Other forms of violence affecting women and girls must also be recognized and adequately acknowledged in the legal regime. Compliance with international norms must be improved and preventive measures must be implemented, especially in light of the changed nature of conflict where combatants include non-State actors, including private militias and children, who pay little attention to the rules of international law that provide protection for women and girls in conflict, and frequently target women and girls in gender-specific ways. Women and girl victims of gender-based and other forms of violence should have the opportunity to pursue claims for compensation for injuries and other damage incurred during armed conflict.

25. I submit the following for the attention of the Security Council:

Action 3

Condemn all violations of the human rights of women and girls in situations of armed conflict; take all necessary measures to bring to an end such violations; and call upon all parties involved in conflict to adhere at all times to their obligations under applicable principles of international humanitarian law, human rights law and refugee law as they pertain to women and girls.

Action 4

Ensure that amnesty provisions included in conflict settlement agreements reached under the auspices of the Security Council exclude impunity from all war crimes, crimes against humanity and genocide, including gender-based crimes.

Action 5

Monitor the extent to which judicial or quasi-judicial mechanisms that are established by the Security Council as part of conflict settlement arrangements interpret and apply the international legal framework pertaining to armed conflict and its aftermath in a gender-sensitive, consistent and systematic manner.

Action 6

Ensure that future ad hoc tribunals created by the Security Council build on existing statutes and include judges and advisers with legal expertise on specific issues, such as violations of the rights of women and girls, including gender-based and sexual violence; ensure that prosecutors of such ad hoc international tribunals respect the interests and personal circumstances of women and girls victims and witnesses and take into account the nature of crimes involving gender-based violence, sexual violence and violence against children.

IV. Peace processes

26. The participation of women and girls and the inclusion of gender perspectives in both formal and informal peace processes are critical to ensuring that political structures, economic and social institutions and security sectors negotiated through peace talks facilitate the achievement of greater equality between women and men.

27. There are many positive examples of women making a critical difference in the promotion of peace, particularly in preserving social order and educating for peace. Women's grass-roots organizations have sponsored peace education in many countries, including by encouraging child soldiers and others to lay down their arms. They have organized groups across party and ethnic lines, advocating for peace, and have been active in reconciliation efforts, often with the support of regional and international networks. They have advocated for the elimination of weapons of mass destruction, campaigned against small arms, participated in weapons collection programmes and disseminated information on landmines. Because of their active interest in and support of disarmament processes, consultations with women's groups and networks can provide important information regarding perceptions of the dangers posed by the number or types of weapons, the identification of weapons caches and the transborder weapons trade. The role of women's groups and networks in informal peace processes has, however, not always been sufficiently recognized and supported.

28. The lack of access to mechanisms or channels for bringing the priorities and recommendations of women's informal groups and networks into more formal processes remains a particular constraint. Although the understanding of the contributions women can and do make to peace-building through informal processes is increasing, women, with few exceptions, are not present at formal peace negotiations. Often women are excluded because they are not military leaders or political decision-makers or because they did not participate in the conflict as combatants. Women are assumed to lack the appropriate expertise to negotiate, or they are left out owing to discrimination and stereotypical thinking. They may also be excluded from peace negotiations because their interests are viewed as broader than those of the men involved in the negotiations.

29. Peace negotiations and peace accords lay the foundation for rebuilding societies after conflict. They commonly determine the political, civil, economic and social structures in post-conflict situations. Concerns specific to women do not always reach the negotiating table. This is particularly so in the absence of women's participation. It has been observed that women's political mobilization prior to and their participation in negotiations make a difference in the degree of attention given to gender equality issues and the pursuit of gender-sensitive approaches in a wide range of issues, including the drafting of constitutions, implementation of land reform, access to economic opportunities and development of social policies. However, the presence of women does not guarantee attention to gender issues. All actors in peace processes have the responsibility and capacity to ensure attention to gender equality concerns in peace agreements.

30. There are a number of positive examples where the Security Council has recognized and supported the informal peace initiatives of women's groups and networks, including its meetings with women's groups and networks during its missions to the Democratic Republic of the Congo, Kosovo and Sierra Leone. Since the adoption of resolution 1325 (2000), Arria formula meetings with women representatives of non-governmental organizations (NGOs) have also contributed to Council debates on peace processes.

31. The Secretariat and other United Nations entities have also supported the informal peace activities of women's organizations as well as their efforts to participate in formal peace processes and to contribute to the development of new political structures in post-conflict situations. However, further systematic efforts need to be made to fully involve women at all stages of consolidating peace.

32. All international actors involved in peace processes should be familiar with the extent of women's peace-related activism at grass-roots level. Efforts are needed to achieve greater representation of women in formal peace negotiations. Women's capacities as participants and leaders in peace negotiations need to be further enhanced, including through training and participation in Track II negotiations. Information collection processes, especially those that target civil society and research institutes, must also identify and involve women's groups and networks. Ongoing United Nations cooperation with women's groups and networks during

peace processes should be more fully documented, including in my reports to the Council.

33. To facilitate greater contact with women's groups and networks, I intend to establish a database of gender specialists as well as women's groups and networks in countries and regions in conflict. I also encourage Member States, donors and civil society to provide financial, political and technical support for women's peace-building initiatives and networks.

34. The effectiveness of preventive diplomacy and fact-finding could be enhanced by soliciting the opinions of local women's groups. Greater attention to the gender norms and customs of a society can also provide useful insights in refining early warning indicators and strengthening conflict prevention mechanisms. I have observed elsewhere that strengthening of the rule of law is an essential element of conflict prevention and, within that, the protection of women's human rights through a focus on gender equality in constitutional, legislative, judicial and electoral reform.[4] I will also call for a review of the gender perspectives in conflict prevention, early warning systems and preventive diplomacy.

35. Attention to gender-specific consequences of sanctions, based on collection and use of data disaggregated by sex and age, would allow the Council to fine-tune sanctions so as to minimize negative consequences for all civilians.

36. I submit the following for the attention of the Security Council:

Action 7

Explicitly integrate gender perspectives into the terms of reference of Security Council missions to countries and regions in conflict; request briefings for the Security Council members on the situation of women and girls in conflicts; include gender specialists in the teams wherever possible; and ensure consultation with women's groups and networks.

Action 8

Ensure that all peace accords brokered by the United Nations systematically and explicitly address the consequences of the impact of armed conflict on women and girls, their contributions to the peace processes and their needs and priorities in the post-conflict context.

Action 9

Ensure full involvement of women in negotiations of peace agreements at national and international levels, including through provision of training for women and women's organizations on formal peace processes.

V. Peacekeeping operations

37. Multidimensional peacekeeping operations may include mandates to assist in elections, monitor human rights and carry out police functions. Mandates may encompass the development of institutions to support the rule of law, the creation of State administrative structures, the establishment of mine action programmes, the repatriation of refugees and the delivery of humanitarian aid. There is great potential in multidimensional peacekeeping operations for addressing gender perspectives, especially in areas such as human rights monitoring, establishment or restructuring of institutions and police training.

38. Clear reference to gender equality issues in mandates for missions and adequate budgetary provisions can facilitate the integration of gender perspectives in all substantive activities and provide criteria to measure performance. Few mandates of peacekeeping missions make explicit reference to women and girls, or to the different impact of armed conflict or post-conflict recovery on women and girls. None have included a commitment to gender equality as part of a mission's mandate.

39. A fundamental aspect of peacekeeping operations is to establish security. Differences in men's and women's security priorities and needs, both in the home and in the public sphere, need to be identified when working to establish a safe environment. Civilian police components, in their work with new or reconstructed police forces, as well as in human rights monitoring, need to be able to address crimes committed against women and girls in a gender-sensitive manner. Public information activities of a mission should ensure that both women and men have access to information. Peacekeeping missions benefit from contacts with and access to the knowledge and expertise of local women's organizations.

40. A number of ways to enhance attention to gender perspectives in peace operations need to be addressed. A clear commitment to the promotion of gender equality throughout the entire mission is required, from the inception of its mandate to its end. This commitment must be translated into concrete actions in all areas of the mission and should be the responsibility of all mission staff, particularly senior managers. Many managers and professional staff are still uncertain about the relevant gender perspectives in their areas of work and as to how they can integrate these perspectives in different areas of peacekeeping. More systematic training of all staff on gender perspectives before and after their deployment is necessary. Gender perspectives have to be integrated into all standard operating procedures, manuals, instructions and other instruments offering guidance to peacekeeping operations.

41. Lack of appropriate tools such as guidelines and training programmes, as well as lack of financial resources, hamper attention to gender perspectives. The concrete tools being developed by the Department of Peacekeeping Operations to help mainstream gender perspectives into the daily work of all mission components should help to meet these needs.

42. Gender expertise at both Headquarters and mission levels is necessary to support top management in carrying out their responsibility for gender mainstreaming. The experience of gender units and gender advisers in missions such as the United Nations Transitional Administration in East Timor (UNTAET) (now the United Nations Mission of Support in East Timor (UNMISET)), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the United Nations Mission in Bosnia and Herzegovina (UNMIBH), and the United Nations Mission in Sierra Leone (UNAMSIL), should provide useful insights on the mandates, location, reporting lines and resources of such units or advisers for maximum effectiveness. Gender specialists in the field do require backstopping from Headquarters. In June 2001, the Special Committee on Peacekeeping Operations recognized the need for gender expertise at Headquarters and recommended the establishment of a dedicated gender capacity for the Department of Peacekeeping Operations, for which resources have not yet been approved.[5]

43. A number of important efforts have been made, and some successes achieved, in incorporating gender perspectives into peacekeeping operations. These include measures taken by UNMIBH, UNMIK and UNTAET to promote gender balance in the local police forces and to work with new or restructured police forces on issues related to domestic violence and trafficking in women and girls. The missions in Kosovo and East Timor also actively supported the increased participation of women in governmental and administrative structures through training and capacity-building workshops. The Gender Affairs Unit of UNTAET facilitated the integration of gender perspectives into its programmes and policies, building capacity both within the Mission and in East Timorese society.

44. The need to increase the participation of women in all aspects of peace operations, among international and local staff, and particularly at the highest levels of decision-making, has been raised as a priority concern. I have taken a number of steps to increase the number of female staff in peace operations, although we are as yet far from the goal of 50-50 gender balance. The first female Special Representative of the Secretary-General was appointed in 1992. Now, 10 years later, there is still only one female Special Representative. There are three female Deputy Special Representatives. The Secretariat will make more determined efforts to increase the appointment of women at the Special Representative and Deputy Special Representative levels. In addition, I reiterate my appeal to Member States to provide names of qualified women candidates to serve in high-level positions. I will set concrete targets for the appointment of women as my Special Representatives and Special Envoys in order to reach the overall target of 50 per cent by 2015. I also call on Member States to act in a proactive manner by identifying women to serve in senior decision-making positions and increasing the recruitment of women as military observers, peacekeeping troops and civilian police. It should be noted, however, that promoting gender equality is not women's responsibility alone, nor will women's participation automatically lead to greater attention to women's needs and priorities in peacekeeping activities.

45. Codes of conduct establish expected standards of behaviour from United Nations staff. Because it is evident that prostitution, often combined with trafficking, increases in the context of international

interventions, further measures are needed to prevent trafficking and the sexual exploitation of women in the context of international peace operations. Violence against women and girls and trafficking cannot be tolerated. All missions have clear instructions to thoroughly investigate any allegations of sexual exploitation or assault by any peacekeeping personnel and to ensure that offenders are duly disciplined. In addition, the Department of Peacekeeping Operations is reviewing and improving its procedures on disciplinary matters and has requested missions to improve monitoring mechanisms to ensure appropriate action. I call on troop-contributing States to enhance their own efforts to ensure that such violations do not occur, to investigate and prosecute effectively cases of alleged misconduct and to set up adequate accountability mechanisms and disciplinary measures.

46. I submit the following for the attention of the Security Council:

Action 10

Incorporate gender perspectives explicitly into mandates of all peacekeeping missions, including provisions to systematically address this issue in all reports to the Security Council.

Action 11

Require that data collected in research, assessments and appraisals, monitoring and evaluation and reporting on peace operations is systematically disaggregated by sex and age and that specific data on the situation of women and girls and the impact of interventions on them is provided.

Action 12

Ensure necessary financial and human resources for gender mainstreaming, including the establishment of gender advisers/units in multidimensional peacekeeping operations and capacity-building activities, as well as targeted projects for women and girls as part of approved mission budgets.

VI. Humanitarian operations

47. Today's complex humanitarian operations, which often begin even prior to the cessation of hostilities, commonly involve a large and diverse number of humanitarian and development organizations. Given the many ways in which humanitarian operations and development interventions overlap, it is critical to ensure that gender perspectives are systematically integrated into the full range of emergency operations from their initial stages.

48. Many of the experiences and needs of women and girls in armed conflict continue on during humanitarian and emergency situations. The specific protection needs of women and girls have to be identified and addressed in the delivery of humanitarian aid, including through the promotion of access to vulnerable populations and the separation of civilians and armed elements.

49. Pressure to design programmes rapidly should not lead to a neglect of gender perspectives. It is critical that the needs and priorities of women and girls are given attention in initial surveys, appraisals and assessment missions so that they are fully incorporated into the policy frameworks, strategies and programming processes that guide the choice of activities and resource allocations in humanitarian phases. Women should be actively involved in needs assessments and the distribution of aid.

50. An understanding of the vulnerability of women and girls in camps, particularly where there is a proliferation of weapons, should inform all management and operational decisions and should lead to the establishment of adequate protection mechanisms. Protection from and prevention of violence, including gender-based and sexual violence, requires practical steps. Women and girls face the risk of violence when camps are poorly designed and security inside and outside of camps is inadequate. The presence of military forces and crossfire near camps poses additional risks. Refugee and internally displaced women and girls also face the risk of violence at the hands of those who are in a position to facilitate their passage, determine their refugee status or issue their identity cards, as well as during forced return to their homes. Women may be forced to engage in prostitution in exchange for food or other essential goods and services.

51. Effective distribution of relief and of other benefits requires awareness of the experiences and needs of women and girls in a given crisis. Women should be fully involved in the management of refugee

camps, including in decision-making. Particular attention has to be paid to the manner in which refugees and displaced persons are registered so that women are not excluded from direct access to basic goods and services, from social and economic programmes or from decision-making opportunities. Gender issues in relation to livelihoods, food security and health in post-conflict situations require adequate responses. Based on the principles of non-discrimination and equality between women and men, United Nations entities and other organizations must counter any resistance to providing relief or work opportunities to women and girls.

52. Entities providing humanitarian assistance, especially those that are members of the Inter-Agency Standing Committee, have developed many constructive policies, strategies and guidelines to ensure that gender perspectives and the needs of women are consistently addressed by all staff involved in humanitarian operations. The challenge is to ensure that these methods and tools are fully utilized. All categories of staff require adequate and appropriate training, and the recruitment of women for humanitarian operations should be increased. Recent reports of sexual abuse of refugees by humanitarian workers in West Africa have demonstrated that more specific and more strictly enforced codes of conduct and disciplinary measures are necessary. The Office of Internal Oversight Services has conducted an investigation of these allegations and will present a report on its findings to the General Assembly. I welcome the Inter-Agency Standing Committee's plan of action on sexual exploitation and abuse in humanitarian crises as a positive initiative of the United Nations system and call upon all Committee members and others concerned to ensure its swift implementation.

53. I submit the following for the attention of the Security Council:

Action 13

Urge parties to conflict to ensure that agencies of the United Nations and other international organizations, regional organizations and NGOs have safe and unhindered access to populations in need, especially women and girls.

Action 14

Increase the participation of women and girls, fully utilize their capacities and give attention to their needs and priorities in the initial stages of programming and service delivery in humanitarian crises in order to optimize the benefits for women and girls.

VII. Reconstruction and rehabilitation

54. Sustainable and durable peace requires the participation of women and girls, as well as the integration of gender perspectives in all reconstruction processes to ensure the creation of more equitable and sustainable societies. Reconstruction efforts must be based on human rights principles, including non-discrimination, to ensure that inequalities and discrimination that existed prior to conflict, which may have deepened during conflict, are not perpetuated or exacerbated.

55. Constitutional reform processes provide opportunities for codifying principles of non-discrimination and equality on the basis of sex. Legislative reform should repeal discriminatory provisions in areas such as nationality, property rights, and inheritance, as well as address violence against women. Gender-sensitivity of courts, which is important to remove any possible bias, requires awareness-raising and training. Ensuring justice for victims of gender-based violations of international humanitarian and human rights law is a critical aspect of reconstruction. Where truth and reconciliation commissions are established, equitable access and gender-sensitive procedures must be assured.

56. The creation of electoral systems should guarantee free and fair elections and universal suffrage. Special measures, including quota and training for women as voters and candidates, may be needed to ensure that women can exercise these rights and that their equitable representation in elected office can be increased. While women may have successfully organized during conflict, additional support, including financial support, may be necessary to ensure their continuing active participation in civil society organizations and public life once conflict is ended.

57. Economic reconstruction must be informed by an understanding of the challenges women and girls face in accessing employment in both the formal and

informal sectors, as well as in areas of agricultural production and food security, particularly in regions where women are the principal food producers. The needs and priorities of women as well as men should be taken into account in economic policy reform. Microcredit should not be seen as a panacea for increasing women's access to economic resources and incorporating gender perspectives in economic development. Women should be fully represented in economic decision-making.

58. Social reconstruction includes the reconstruction of damaged or destroyed social sectors, notably health care, education and social service institutions, and involves a long-term process of social healing and reintegration. The severe disruption of social networks caused by armed conflict contributes to growing numbers of marginalized groups, including war widows, child-headed households, orphans, the disabled and former child soldiers. Addressing the needs and priorities of women and girls should be an integral part in the design and implementation of social healing processes. The problems women and girls have faced in conflict and displacement, in particular with regard to human rights, reproductive health, domestic violence and trafficking, must be directly addressed.

59. Effective progress in promoting gender equality in reconstruction processes is hampered by under-resourcing and marginalization of targeted interventions for women as well as by the lack of systematic attention to gender perspectives in all mainstream policies, strategies and activities. The extent to which gender perspectives are factored into the design and implementation of programmes on the ground in all areas of reconstruction needs to be more systematically monitored, evaluated and documented.

60. Members States, United Nations entities and civil society organizations play a critical role in reconstruction processes. I call upon all actors involved in reconstruction processes to:

Action 15

Develop clear strategies and action plans (with targets and timetables) on the incorporation of gender perspectives in rehabilitation and reconstruction programmes, including monitoring mechanisms, and incorporate explicit attention to the situation of women and girls in needs assessments, initial appraisals and implementation plans for all sectors; and also develop targeted activities, with adequate resources, focused on specific constraints facing women and girls.

Action 16

Ensure that, in efforts to secure local ownership for reconstruction processes, women's groups and networks are actively involved, particularly at decision-making levels.

Action 17

Identify and address social and legal barriers to education and employment for women and girls, through both mainstream and targeted interventions.

Action 18

Ensure that attention to gender perspectives in economic reconstruction entails analysis of economic policy-making and planning from a gender perspective, as well as the increased participation of women in economic decision-making; and incorporate gender perspectives into all support for national budget processes, in line with the outcome of the International Conference on Financing for Development (2002).

VIII. Disarmament, demobilization and reintegration

61. Disarmament, demobilization and reintegration processes are integral components of the peace process and post-conflict activities, which are increasingly incorporated in formal peace accords. One of the most important goals of disarmament relates to the collection, safe storage and destruction of armaments and ammunition following conflicts, along with the demobilization of combatants and their reintegration into society. In recent years, national governments and regional and international organizations have been involved in disarmament activities, some of which entail the provision of various material incentives, such as community development assistance, to encourage the surrender of weapons. Such disarmament activities are of great importance to women and girls because of the heightened threat to their personal security owing

to the proliferation of weapons in post-conflict situations. For this reason, women and girls are often actively involved in weapons collections programmes.

62. Successful disarmament, demobilization and reintegration initiatives are based on an understanding that combatants are not only men, but also women, girls and boys. Initiatives that target only males above the age of 18, who fit the international definition of soldiers, fail to identify the needs and priorities of women and girl combatants. If women and girl combatants are not registered in disarmament, demobilization and reintegration programmes they cannot access the different forms of assistance provided.

63. A limited notion of combatants also restricts the chances that those women and children who, willingly or unwillingly, supported the fighters as "camp-followers" will be able to access assistance through these programmes. The status and situation of women and girls used as domestic servants and sexual slaves needs to be explicitly addressed, including, in particular, the effects of sexual and other forms of abuse and resulting trauma.

64. Even where women and girls have not been actively involved in armed conflict it is important to take into account its disruptive impact on family structures and relations and to be aware of the problems both demobilized combatants and their families and communities may encounter in reintegration processes. The risks of increased domestic violence have to be taken into account and strategies developed to address this problem.

65. I call upon all Member States, United Nations entities and civil society organizations involved in the disarmament, demobilization and reintegration processes to:

Action 19

Incorporate the needs and priorities of women and girls as ex-combatants, "camp-followers" and families of ex-combatants in the design and implementation of disarmament, demobilization and reintegration programmes, including the design of camps, the distribution of benefits and access to basic resources and services, such as food, water, health care and counselling, in order to ensure the success of such programmes and the participation and full access to benefits for women and girls.

Action 20

Increase the number of programmes for child soldiers, fully incorporate attention to the specific situation and needs of girl soldiers and identify means to support child soldiers, including girls, who do not enter disarmament, demobilization and reintegration programmes.

Action 21

Recognize the impact of armed conflict and displacement on family relations and develop awareness of the risk of increased domestic violence, especially in the families of ex-combatants; and develop programmes on the prevention of domestic violence, targeting families and communities, and especially male ex-combatants.

IX. Concluding observations

66. Security Council resolution 1325 (2000) has galvanized the Member States, the United Nations system and civil society, including at the grass-roots level. The suffering of women and girls during armed conflict and its aftermath has been widely documented. Women's contributions to peacemaking and peace-building are still less recognized and utilized. During the last two years, the Security Council has increasingly focused its attention on the situation of women and girls in armed conflict. However, these issues are often discussed as a separate item rather than being integrated into the Council's deliberations. In order to effectively respond to the needs and priorities of women and girls during armed conflict, gender perspectives have to be systematically integrated into all peace-building, peacekeeping and peacemaking efforts and during humanitarian operations and reconstruction processes.

67. International law and existing strategies and guidelines within United Nations entities provide a strong framework for addressing gender perspectives within the context of armed conflict and its aftermath. Despite positive efforts undertaken, gender perspectives are still not systematically incorporated into all activities related to peace and security. Much

remains to be done to ensure that the existing frameworks and the recommendations in Security Council resolution 1325 (2000) are fully implemented. Challenges to fully utilizing women's contributions across the wide range of activities relevant to peace and security persist at many levels.

68. We can no longer afford to minimize or ignore the contributions of women and girls to all stages of conflict resolution, peacemaking, peace-building, peacekeeping and the reconstruction processes. Sustainable peace will not be achieved without the full and equal participation of women and men. It is my hope that the Security Council, Member States, the United Nations system, NGOs, civil society and others will take further decisive action to ensure the participation of women and girls and fully incorporate their concerns into all our efforts to promote peace and security.

Notes

[1] See A/55/163-S/2000/712, A/56/342-S/2001/852, S/1999/957, S/2001/331 and A/55/985-S/2001/574 and Corr.1.

[2] *Prosecutor v. Delalic and Others*, Case No. IT-96-21, Judgement (16 November 1998).

[3] *Prosecutor v. Akayesu*, Case No. ICTR-96-4, Judgement (2 September 1998).

[4] A/55/985-S/2002/574 and Corr.1.

[5] Recommendations of the Special Committee on Peacekeeping Operations and the Panel on United Nations Peace Operations (A/55/977), annex C.

United Nations S/2002/1155

Security Council

Distr.: General
16 October 2002

Original: English

Letter dated 27 September 2002 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Following consultations on the situation in Guinea-Bissau, and at the request of Council members, Ambassador Negroponte on 7 August 2002 wrote to the Executive Director of the World Bank concerning the critical social and economic situation in that country. On 23 August, the Bank's Executive Director sent a reply which was unfortunately delayed in transmittal and only recently reached the United States Mission.

With sincere apologies for this delay, I now request that you circulate the attached copy of the World Bank letter of 23 August to Council members, and also direct that the letter be entered into the documents of the Council.

(*Signed*) James B. **Cunningham**

02-64509 (E) 181002

Annex to the letter dated 27 September 2002 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Thank you for your letter of 7 August 2002, concerning the critical economic and social situation in Guinea-Bissau. I am happy to note that the Security Council's Working Group has brought the problems of that country to the Council's attention and hope that the United Nations will continue its valuable efforts to assist Guinea-Bissau.

The Bank has been closely involved in the economic recovery efforts of Guinea-Bissau since the end of the civil war. The Bank is currently assisting Guinea-Bissau through a national health project, a basic education project, a private sector development operation, and support to the country's military demobilization efforts. We are also working with the Government and civil society to prepare a national HIV/AIDS operation. We hope that this work, which is done in collaboration with the United Nations Development Programme and other partners, can contribute to the peace-building that is indispensable for the country's economic and social recovery.

Our staff have noted your concerns about the macroeconomic situation, which we have been following very closely for some time, together with the International Monetary Fund. I can assure you, and the other members of the Council, that we are making every effort to assist the Government of Guinea-Bissau in restoring macroeconomic stability while at the same time respecting the country's vital priorities of peace and stability. I have asked our staff working on Guinea-Bissau to take particular note of your concerns and to keep me informed of developments there.

(*Signed*) James D. **Wolfensohn**

United Nations S/2002/1156

Security Council

Distr.: General
15 October 2002

Original: English

Letter dated 4 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 13 June 2002 (S/2002/668) transmitting a report from Afghanistan submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Afghanistan to the United Nations to set out its preliminary comments. Afghanistan has been requested to provide a response in the form of a supplementary report by 27 December 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-64843 (E) 221002

United Nations S/2002/1157

Security Council

Distr.: General
15 October 2002

Original: English

Letter dated 4 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 19 June 2002 (S/2002/682) transmitting a report from Brunei Darussalam submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Brunei Darussalam to the United Nations to set out its preliminary comments. Brunei Darussalam has been requested to provide a response in the form of a supplementary report by 27 December 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-64849 (E) 221002

United Nations S/2002/1158

Security Council

Distr.: General
15 October 2002

Original: English

Letter dated 4 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letters dated 24 May and 18 June 2002 (S/2002/598 and Add.1) transmitting a report from Guyana submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written tc the Permanent Representative of Guyana to the United Nations to set out its prelimina.y comments. Guyana has been requested to provide a response in the form of a supplementary report by 27 December 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-64855 (E) 221002

United Nations S/2002/1159

Security Council

Distr.: General
15 October 2002

Original: English

Letter dated 4 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 19 June 2002 (S/2002/681) transmitting a report from Lesotho submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Lesotho to the United Nations to set out its preliminary comments. Lesotho has been requested to provide a response in the form of a supplementary report by 27 December 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-64883 (E) 221002

United Nations S/2002/1160

Security Council

Distr.: General
15 October 2002

Original: English

Letter dated 4 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 4 June 2002 (S/2002/615) transmitting a report from Nauru submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Nauru to the United Nations to set out its preliminary comments. Nauru has been requested to provide a response in the form of a supplementary report by 27 December 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-65070 (E) 231002

United Nations S/2002/1161

Security Council

Distr.: General
15 October 2002

Original: English

Letter dated 4 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 10 July 2002 (S/2002/756) transmitting a report from Papua New Guinea submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Papua New Guinea to the United Nations to set out its preliminary comments. Papua New Guinea has been requested to provide a response in the form of a supplementary report by 27 December 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-65076 (E) 231002

United Nations S/2002/1162

Security Council

Distr.: General
15 October 2002

Original: English

Letter dated 4 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 22 May 2002 (S/2002/580) transmitting a report from Turkmenistan submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Turkmenistan to the United Nations to set out its preliminary comments. Turkmenistan has been requested to provide a response in the form of a supplementary report by 27 December 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-65082 (E) 231002